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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,738	08/28/2000	Hulikunta Prahlad Raghunandan	JP920000198US1	7857

7590 10/06/2003

International Business Machines Corporation
Almaden Research Center
650 Harry Road
San Jose, CA 95120

EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/06/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,738

Applicant(s)

RAGHUNANDAN, HULIKUNTA
PRAHLAD

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-9 are rejected under 35 U.S.C 103(a) as being unpatentable over Khanna et al (Hereafter, Khanna), U.S. Pat. No. 6,609,151 in view of Thurlow et al (Hereafter, Thurlow), U.S. Pat. No. 6,457,879.

Regarding claim 1, Khanna teaches in a computing system consisting of a processor, memory storage, input and output devices, a network interface adapter and a basic input/output system (BIOS) for booting, said system being connected to a remote computer [see Fig. 1], characterized in that said BIOS (108) includes a means to communicate with the network adapter (i.e., NIC 116) [see Fig. 1], and a means to

access the said remote email server through network during the boot up process using said network adapter (i.e., electronic mail routine in the BIOS) [see Col. 6, Lines 1-10]. Khanna does not explicitly teach email server system and a means to download the email count for the current user from the remote email server on said network, and a means to display the email count for the current user in a defined format on the display of said computing system. However, the use of the client email application program interaction with the remote email server system for checking connection upon booting up and downloading email is well-known in the art as disclosed by Thurlow [see Abstract and Col. 7, Lines 4-61 and Col. 14, Lines 45-57]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to check email upon start-up because it would have enabled the user to configure email count received [see Col. 14, Lines 45-57].

Regarding claim 2, Khanna further teaches a system as claimed in claim 1 wherein the communication with said remote email server (remote computer) is through TCP/IP protocol [see Col. 1, Lines 30-42 and Col. 3, Lines 29-30].

Regarding claim 3, Khanna further teaches a system as claimed in claim 1 further comprising configuration means for configuring the designated users of the system during a previous system operation [see Col. 3, Lines 25-39 and Col. 5, Lines 39-50].

Claims 4-6 are rejected under the same rationale set forth above to claims 1-3.

Claims 7-9 are rejected under the same rationale set forth above to claims 1-3.

Other References Cited

3. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Rakavy et al, U.S. Pat. No. 5,978,912.

B) Trostle, U.S. Pat. No. 5,919,257.

C) Sposato, U.S. Pat. No. 6,463,530.

D) Nunn, U.S. Pat. No. 6,438,688.

E) Christenson et al, U.S. Pat. App. Pub. No. 2002/0112008.

4. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The fax phone number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip Tran
Art Unit 2155
Sept 26, 2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER